

AO 247 (02/08) Order Regarding Motion for Sentence Reduction

UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAR 04 2008

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

United States of America)

v.)

BENNY RAY SMITH)

Case No: CR-95-0010-WFN-1

USM No: 08507-085

Date of Previous Judgment: December 8, 1995

Tracy Staab

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 188 months is reduced to TIME SERVED.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31Amended Offense Level: 29Criminal History Category: VICriminal History Category: VIPrevious Guideline Range: 188 to 235 monthsAmended Guideline Range: 151 to 188 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

Had Mr. Smith been sentenced under the amended Guideline range at the time of his original sentencing, he would have received a sentence of 151 months which is less than what he has actually served.

Except as provided above, all provisions of the judgment dated 12/8/95 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 4, 2008

 Judge's signature

Effective Date: March 15, 2008
 (if different from order date)

Wm. Fremming Nielsen, Senior U.S. Dist. Judge
 Printed name and title